



KEY QUESTIONS TO POSE BEFORE YOU DISCLOSE

ALL INFORMATION FOR PROVIDERS SUBJECT TO THE LANTERMAN-PETRIS-SHORT (LPS) ACT

When is a patient authorization NOT required?

What are some scenarios?

- As needed for the protection of federal and state elective constitutional officers and their families
- As needed to protect reasonably foreseeable victims from serious danger of violence
- Conservatorship proceedings
- Court order for administration of justice
- Crime on the premises
- For aid, insurance, medical assistance – minimum necessary
- For conducting health care services and/or mental health treatment, developmentally disabled services for ward, dependent of juvenile court or those taken into temporary custody or petition to remove
- In facility communications between professionals providing services or referrals
- Protection and advocacy > Disability rights of California
- Upon patient death

Disclose to whom?

Appointed developmental decision maker for a minor, dependent or ward

Coroner

Correctional Agencies

Court

County Social Worker

Custodial Guardian

Probation Officer

QA Committee

Secretary of US DHHS

Who Must Comply?

Service providers of patients who are involuntarily treated or evaluated and of patients who are voluntarily treated in a:

- Community program (refer to your legal counsel)
- Community program specified in the Welfare and Institutions Code §§ 4000-4390 and 6000-6008
- County psychiatric ward, facility or hospital
- Federal hospital, psychiatric hospital or unit
- Mental health rehabilitation center (Welfare and Institutions Code § 5675)
- Private institution, hospital, clinic or sanitarium which is conducted for the care and treatment of persons who are mentally disordered
- Psychiatric health facility (Health and Safety Code § 1250.2)
- Skilled nursing facility with a special treatment program service unit for patients with chronic psychiatric impairments
- State developmental center
- State mental hospital



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CalOHIH does not provide advisory opinions or legal advice to private individuals. This document is intended to offer help to providers subject to LPS to know when an authorization for release of information is not required before disclosing mental health treatment records.

What are some scenarios for Governmental Entities?

CA Dept of Public
Health and CA
Dept of Social
Services

Under LPS, information may be disclosed without patient authorization to authorized licensing personnel who are employed by (or who are authorized representatives of) CDPH, and who are licensed or registered health professionals and authorized legal staff or special investigators who are peace officers employed by (or who are authorized representatives of) CDSS. This authority is limited as necessary to the performance of duties to inspect, license, and investigate health facilities and community care and services or in a criminal, civil, or administrative proceeding.

Legislative and
Quality Assurance
Committees and
Professional
Licensing Boards

- If a Committee on Rules of the Senate or the Assembly Committee authorizes a legislative investigation, then LPS calls for a disclosure.
- LPS-protected information must also be disclosed to a QA committee established in compliance with Welfare and Institutions Code § 14725 which governs the delivery of Medi-Cal specialty mental health services for county operated and county contracted mental health facilities and programs.
- Disclosures to licensing boards should be made pursuant to other provisions of law.

Protection of
Individuals

- As needed to protect from reasonably foreseeable threat of violence
- Elder abuse, child abuse and other mandated reporting
- Elder and domestic violence
- County Death Review Team Members
- Ryan White Care Act: Emergency Response Employee-Designated Officer

Statistical Data

LPS-protected information may be released for the compilation and publication of statistical data for use by the government or researchers pursuant to standards set by the Director of State Hospitals [Welfare and Institutions Code § 5329]

In All Cases:

The Information Practices Act (Civil Code § 1798-1798.78) applies to state agencies. Staff should check with their legal office regarding permissive uses and disclosures under the IPA.

Does the information requested
involve a patient's substance abuse record?
Please refer to the **Substance Abuse Authorization Tool**

- ✓ Limit the disclosure to what is described in the authorization
- ✓ Validate the identity and authority of the individual requesting the information
- ✓ Designate individual(s) to process disclosure requests
- ✓ Develop internal written procedures and train employees on the requirements
- ✓ Account for the disclosure within the patients record as required by the HIPAA Privacy Rule